

SENTENCING MINUTES

Date: 02/23/2023

Judge: PATRICIA TOLLIVER GILES

Reporter: S. Wallace

Time: 9:02 a.m. – 9:46 a.m.
(00:44)

Case Number: 1:22cr151

UNITED STATES OF AMERICA

Counsel/Govt: **Laura Withers**

v.

JONATHAN PETER MILLER

Counsel/Deft: **Lauren Rosen**

Court adopts PSI (☒) without exceptions (☐) with exceptions: (☒)

The Defendant objects to paragraphs 35, 48, 121 and 122 of the PSIR – **OVERRULED.**

The Court adopts the Presentence Investigation Report with change directing that the probation officer update Page 25 to reflect the AVAA Assessment maximum amount as \$35,000 instead of \$17,000.

SENTENCING GUIDELINES:

Offense Level: 30

Criminal History: VI

Imprisonment Range: 180 to 210 months

Supervised Release Range: 5 years to Life

Fine Range: \$30,000.00 to \$250,000.00

Restitution \$ TBD

AVAA Assessment \$35,000.00

JVTA Assessment \$5,000.00

Special Assessment \$100

JUDGMENT OF THE COURT:

BOP for 180 months

Supervised Release for 20 Years, with special conditions: (☒) Yes (☐) No

Restitution TBD

No punitive fines/costs of incarceration imposed

Special Assessment \$100.00

No AVAA Assessment

No JVTA Assessment

- Govt's Motion to Dismiss Count 2 and Order entered in open Court.
- Defendant advised of appeal rights

SPECIAL CONDITIONS:

1. The defendant shall participate in a program approved by the United States Probation Office for mental health treatment, to include a psychosexual evaluation and sex offender treatment. The costs of these programs are to be paid by the defendant as directed by the probation officer. The defendant shall waive all rights of confidentiality regarding sex offender/mental health treatment to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

2. The defendant shall submit to penile plethysmograph testing or Abel assessment for sexual interest (AASI) as directed by the United States Probation Office as part of his sexual offender therapeutic treatment. The costs of the testing are to be paid by the defendant, as directed by the probation officer.
 3. The defendant shall not utilize any sex-related adult telephone services, websites, or electronic bulletin boards. The defendant shall submit any records requested by the probation officer to verify compliance with this condition including, but not limited to, credit card bills, telephone bills, and cable/satellite television bills.
 4. The defendant shall not purchase, possess or view any sexually explicit material or images using young juvenile models under the age of 18 in any format including, but not limited to, in magazines, books, on the computer, or any electronic device, in videos, movies, and television.
 5. The defendant shall have no contact with minors unless supervised by a competent, informed adult, approved in advance by the probation officer.
 6. Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the defendant shall register with the state sex offender registration agency in any state where the defendant resides, works, and attends school, according to federal and state law and as directed by the probation officer.
 7. Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the defendant shall submit to a search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of supervision, upon prior notification to and approval by the court or with a warrant.
 8. The defendant shall comply with the requirements of the computer monitoring program as administered by the probation office. The defendant shall consent to the installation of computer monitoring software on any computer to which the defendant has access. Installation shall be performed by the probation officer. The software may restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. A notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software. The defendant shall also notify others of the existence of the monitoring software. The defendant shall not remove, tamper with, reverse engineer, or in any way circumvent the software. The costs of the monitoring shall be paid by the defendant.
 9. During the term of supervision, the defendant shall not possess or utilize any video gaming system, console, or other such device which would enable contact and/or the sharing of data with other individuals known or unknown to the defendant.
 10. The defendant shall provide the probation officer access to any requested financial information.
 11. The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains, to the outstanding court-ordered financial obligation, or in a lesser amount to be determined by the court, upon the recommendation of the probation officer.
 12. The defendant shall submit to polygraph testing as directed by the United States Probation Officer as part of the defendant's sex offender therapeutic program. The costs of the testing are to be paid by the defendant, as directed by the probation officer.
 13. The defendant shall not engage in employment or volunteer services that allow him/her access to computers or minors.
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RECOMMENDATIONS to BOP:

- X Dft. To be designated to: a facility as close to the Northern Virginia as possible
 Dft. designated to facility to participate in ICC (Boot Camp) type program
 Dft. to participate in the Residential Drug Abuse Treatment Program (RDAP)
 X Other: Deft to participate in the In-patient Sex Offender Rehabilitation Program.
The Defendant be permitted to participate in an Alcohol Treatment Program.

Deft: (X) Remanded () Cont'd on Bond to Self-Surrender () Referred to USPO () Immediate Deportation